

**ASSEMBLY BILL**

**No. 1236**

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**Introduced by Assembly Member Mullin**

February 23, 2007

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An act to amend Sections 46117, 46201, 46300, 48200 and 52122 of, to repeal Section 48010 of, and to repeal and add Article 1.5 (commencing with Section 48005.10) of Chapter 1 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to compulsory school attendance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, as introduced, Mullin. Compulsory school attendance: kindergarten readiness program.

(1) Existing law requires a child to be admitted to kindergarten if the child will have his or her 5th birthday on or before December 2.

This bill would, commencing on July 1, 2008, change from December 2 to September 1 the date by which a child is required to have a 5th birthdate for admission to kindergarten.

(2) Existing law establishes the kindergarten readiness pilot program, to be implemented in the 2006–07 school year, and requires a participating school district to offer admission to 1st grade at the beginning of the school year, or at a later time in the same school year, only to children who will have their 6th birthday on or before September 1 of that school year. Under existing law, these provisions become inoperative on July 1, 2013, and are repealed as of January 1, 2014.

This bill would repeal the kindergarten readiness pilot program and would establish instead the kindergarten readiness program, to be administered by the Superintendent of Public Instruction who would be required to promulgate rules and regulations governing the program.

Participating county offices of education and school districts would be allocated funds for purposes of making kindergarten readiness classes available to all children on a voluntary basis and administering local programs.

The bill would require that kindergarten readiness classes be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing that authorizes services in kindergarten or a baccalaureate degree with 24 units in early care and education with a professional development plan that provides for a credential within five years. The bill would require that a teacher with an associate degree and 24 units in early care and education also be employed in each classroom and would limit class size to 20 children with one teacher and one associate teacher. The bill would require kindergarten readiness teachers and associate teachers to be employees of the administering county office of education or school district.

The bill would make a kindergarten readiness program eligible for school facilities funding and would authorize funds made available to public schools for joint uses to be used for a kindergarten readiness program.

The bill would require the State Department of Education to establish and maintain an evaluation system that, among other things, ensures the privacy of children, assesses children's progress, and measures the statewide effectiveness of the program

The bill would make conforming changes in provisions regarding the minimum schoolday, the number of required instructional minutes per year, computation of average daily attendance, and the class size reduction program.

(3) Existing law requires a school district to admit a child to the first grade of an elementary school during the first month of a school year if the child will have his or her 6th birthday on or before December 2 of that school year and authorizes the governing board of a school district to permit a child of proper age to be admitted to a class after the first school month of a school term.

This bill would repeal the provisions described above.

(3) Existing law requires a person between the ages of 6 and 18 years who is subject to compulsory full-time education to attend public school in which the residency of either the parent or legal guardian is located.

This bill would make a person who is 5 years of age subject to compulsory full-time education and would deem kindergarten attendance to be full-time education.

By subjecting children who are 5 years of age to compulsory education and violators of this requirement to criminal sanctions, the bill would impose state-mandated local programs.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Kindergarten Readiness Act of 2008.
- 3 SEC. 2. (a) The Legislature hereby finds and declares all of
- 4 the following:
- 5 (1) The state has rigorous academic content standards for
- 6 kindergarten. The kindergarten content standards define the
- 7 knowledge, concepts, and skills that a child acquires at that grade
- 8 level. These content standards were designed to encourage the
- 9 highest achievement of every child.
- 10 (2) Four states (California, Connecticut, Michigan, and Vermont)
- 11 have cutoff dates for admission to kindergarten between December
- 12 1 and January 1. California's late cutoff date permits children to
- 13 enter traditional kindergarten as early as four years nine months,
- 14 or younger in year-round schools.
- 15 (3) By delaying the age at which some of our very youngest
- 16 children are permitted to enroll in kindergarten, California's
- 17 children will be better prepared to enter into the academic
- 18 environment that is required by the kindergarten curriculum.
- 19 (4) Research shows that preschool-age children are better
- 20 prepared for success in kindergarten and beyond when they have
- 21 attended a high-quality prekindergarten program. Prekindergarten
- 22 attendance has been shown to decrease the educational achievement
- 23 gaps between economically advantaged and disadvantaged children

1 that are apparent by kindergarten and are difficult and costly to  
2 correct. Researchers estimate that one-half of the test score gap at  
3 the 12th grade is attributable to gaps that exist when children enter  
4 school and that at least half, and probably more, of that gap could  
5 be eliminated by improving children's access to high-quality  
6 prekindergarten programs.

7 (5) Research demonstrates that high-quality prekindergarten  
8 experiences boost academic achievement in school, decrease grade  
9 retention, decrease special education placements, and increase  
10 graduation rates, college enrollment, and earnings as adults.  
11 Research also shows additional societal benefits such as decreased  
12 crime, teen pregnancies, and public assistance.

13 (6) During their formative years, some children show signs of  
14 delayed development or being at risk of delayed development.  
15 Early intervention often can resolve developmental issues.

16 (b) It is the intent of the Legislature in enacting this act that all  
17 of the following shall take place:

18 (1) School districts offer voluntary kindergarten readiness  
19 classes for all children one year before those children enroll in  
20 kindergarten.

21 (2) Children be five years of age by September 1 in order to  
22 attend kindergarten.

23 (3) Children five years of age be subject to compulsory  
24 education.

25 (4) School districts inform parents and guardians of the new  
26 age limitations for enrollment in kindergarten and first grade that  
27 are implemented pursuant to this act.

28 SEC. 3. Section 46117 of the Education Code is amended to  
29 read:

30 46117. The minimum schoolday for pupils in *kindergarten*  
31 *readiness classes and* kindergartens is 180 minutes inclusive of  
32 recesses, and no units of average daily attendance shall be credited  
33 for attendance in *kindergarten readiness and* kindergarten classes  
34 if the minimum schoolday of ~~such~~ *those* classes is less than 180  
35 minutes.

36 SEC. 4. Section 46201 of the Education Code is amended to  
37 read:

38 46201. (a) In each of the 1984–85, 1985–86, and 1986–87  
39 fiscal years, for each school district that certifies to the  
40 Superintendent of ~~Public Instruction~~ that it offers at least the

1 amount of instructional time specified in this subdivision at a grade  
2 level or levels, the Superintendent of Public Instruction shall  
3 determine an amount equal to twenty dollars (\$20) per unit of  
4 current year second principal apportionment regular average daily  
5 attendance in kindergarten and grades 1 to 8, inclusive, and forty  
6 dollars (\$40) per unit of current year second principal  
7 apportionment regular average daily attendance in grades 9 to 12,  
8 inclusive. This section shall not apply to adult average daily  
9 attendance, the average daily attendance for pupils attending  
10 summer schools, alternative schools, regional occupational centers  
11 and programs, continuation high schools, or opportunity schools,  
12 and the attendance of pupils while participating in community  
13 college or independent study programs.

14 (1) In the 1984–85 fiscal year, for kindergarten and each of  
15 grades 1 to 12, inclusive, the sum of subparagraphs (A) and (B):

16 (A) The number of instructional minutes offered at that grade  
17 level in the 1982–83 fiscal year.

18 (B) One-third of the difference between the number of minutes  
19 specified for that grade level in paragraph (3) and the number of  
20 instructional minutes offered at that grade level in the 1982–83  
21 fiscal year.

22 (2) In the ~~1985–86~~ 2008–09 fiscal year, for kindergarten and  
23 each of grades 1 to 12, inclusive, the sum of subparagraphs (A)  
24 and (B):

25 (A) *Thirty-six thousand minutes in kindergarten readiness*  
26 *classes.*

27 ~~(A)~~

28 (B) The number of instructional minutes offered at that grade  
29 level in the 1982–83 fiscal year.

30 ~~(B)~~

31 (C) Two-thirds of the difference between the number of minutes  
32 specified for that grade level in paragraph (3) and the number of  
33 instructional minutes offered at that grade level in the 1982–83  
34 fiscal year.

35 (3) In the 1986–87 fiscal year:

36 (A) Thirty-six thousand minutes in kindergarten.

37 (B) Fifty thousand four hundred minutes in grades 1 to 3,  
38 inclusive.

39 (C) Fifty-four thousand minutes in grades 4 to 8, inclusive.

(D) Sixty-four thousand eight hundred minutes in grades 9 to 12, inclusive.

(4) In any fiscal year, each school district that receives an apportionment pursuant to subdivision (a) for average daily attendance in grades 9 to 12, inclusive, shall offer a program of instruction that allows each student to receive at least 24 course years of instruction, or the equivalent, during grades 9 to 12, inclusive.

(5) For any schoolsite at which programs are operated in more than one of the grade levels enumerated in subparagraph (B) or (C) of paragraph (3), the school district may calculate a weighted average of minutes for those grade levels at that schoolsite for purposes of making the certification authorized by this subdivision.

(b) (1) If any of the amounts of instructional time specified in paragraph (3) of subdivision (a) is a lesser number of minutes for that grade level than actually provided by the district in the same grade in the 1982–83 fiscal year, the 1982–83 fiscal year number of minutes for that grade level, adjusted to comply with Section 46111, shall instead be the requirement for the purposes of paragraphs (1), (2), and (3) of subdivision (a). Commencing with the 1990–91 fiscal year, and each fiscal year through the 1995–96 fiscal year, any school district subject to this subdivision that does not maintain the number of instructional minutes for a particular grade level that the school district maintained for the 1982–83 fiscal year, adjusted to comply with Section 46111, shall not be subject to paragraphs (1) to (3), inclusive, of subdivision (c) if that school district maintains at least the minimum number of instructional minutes for each grade level set forth in paragraph (3) of subdivision (a) in the 1990–91 fiscal year and each fiscal year through the 1994–95 fiscal year or the 1995–96 fiscal year for districts whose instructional minutes were adjusted to comply with Section 46111, and thereafter returns to the number of instructional minutes maintained for each grade level in the 1982–83 fiscal year.

(2) The Legislature finds and declares that the school districts to which paragraph (1) is applicable have not offered any less instructional time than is required of all other school districts and therefore should not be forced to pay any penalty.

(c) (1) For any school district that receives an apportionment pursuant to subdivision (a) in the 1984–85 fiscal year and that

1 reduces the amount of instructional time offered below the  
2 minimum amounts specified in paragraph (1) of subdivision (a)  
3 in the 1985–86 fiscal year or any fiscal year thereafter, up to and  
4 including the 2000–01 fiscal year, the Superintendent of Public  
5 Instruction shall reduce the base revenue limit per unit of average  
6 daily attendance for the fiscal year in which the reduction occurs  
7 by an amount attributable to the increase in the 1985–86 fiscal  
8 year base revenue limit per unit of average daily attendance  
9 pursuant to paragraph (4) of subdivision (b) of Section 42238, as  
10 adjusted in the 1985–86 fiscal year and fiscal years thereafter.

11 (2) For each school district that receives an apportionment  
12 pursuant to subdivision (a) in the 1985–86 fiscal year and that  
13 reduces the amount of instructional time offered below the  
14 minimum amounts specified in paragraph (2) of subdivision (a)  
15 in the 1986–87 fiscal year or any fiscal year thereafter, up to and  
16 including the 2000–01 fiscal year, the Superintendent of Public  
17 Instruction shall reduce the base revenue limit per unit of average  
18 daily attendance for the fiscal year in which the reduction occurs  
19 by an amount attributable to the increase in the 1986–87 fiscal  
20 year base revenue limit per unit of average daily attendance  
21 pursuant to paragraph (4) of subdivision (b) of Section 42238, as  
22 adjusted in the 1986–87 fiscal year and fiscal years thereafter.

23 (3) For each school district that receives an apportionment  
24 pursuant to subdivision (a) in the 1986–87 fiscal year and that  
25 reduces the amount of instructional time offered below the  
26 minimum amounts specified in paragraph (3) of subdivision (a)  
27 in the 1987–88 fiscal year or any fiscal year thereafter, up to and  
28 including the 2000–01 fiscal year, the Superintendent of Public  
29 Instruction shall reduce the base revenue limit per unit of average  
30 daily attendance for the fiscal year in which the reduction occurs  
31 by an amount attributable to the increase in the 1987–88 fiscal  
32 year base revenue limit per unit of average daily attendance  
33 pursuant to paragraph (4) of subdivision (b) of Section 42238, as  
34 adjusted in the 1987–88 fiscal year and fiscal years thereafter.

35 (d) For each school district that receives an apportionment  
36 pursuant to subdivision (a) in the 1986–87 fiscal year and that  
37 reduces the amount of instructional time offered below the  
38 minimum amounts specified in either paragraph (3) of subdivision  
39 (a) or paragraph (1) of subdivision (b), whichever is applicable,  
40 in the 2001–02 fiscal year, or any fiscal year thereafter, the

1 Superintendent of ~~Public Instruction~~ shall withhold from the  
2 district's revenue limit apportionment for the average daily  
3 attendance of each affected grade level, the sum of that  
4 apportionment multiplied by the percentage of the minimum  
5 offered minutes at that grade level that the district failed to offer.

6 SEC. 5. Section 46300 of the Education Code is amended to  
7 read:

8 46300. (a) In computing average daily attendance of a school  
9 district or county office of education, there shall be included the  
10 attendance of pupils while engaged in educational activities  
11 required of those pupils and under the immediate supervision and  
12 control of an employee of the district or county office who  
13 possessed a valid certification document, registered as required  
14 by law.

15 (b) (1) For the purposes of a work experience education  
16 program in a secondary school that meets the standards of the  
17 California State Plan for Vocational Education, "immediate  
18 supervision," in the context of off-campus work training stations,  
19 means pupil participation in on-the-job training as outlined under  
20 a training agreement, coordinated by the school district under a  
21 state-approved plan, wherein the employer and certificated school  
22 personnel share the responsibility for on-the-job supervision.

23 (2) The pupil-teacher ratio in a work experience program shall  
24 not exceed 125 pupils per full-time equivalent certificated teacher  
25 coordinator. Notwithstanding Section 52033, this ratio may be  
26 waived by the State Board of Education pursuant to Article 3  
27 (commencing with Section 33050) of Chapter 1 of Part 20 under  
28 criteria developed by the State Board of Education.

29 (3) A pupil enrolled in a work experience program shall not be  
30 credited with more than one day of attendance per calendar day,  
31 and shall be a full-time pupil enrolled in regular classes that meet  
32 the requirements of Section 46141 or 46144.

33 (c) (1) For purposes of the rehabilitative schools, classes, or  
34 programs described in Section 48917 that require immediate  
35 supervision, "immediate supervision" means that the person to  
36 whom the pupil is required to report for training, counseling,  
37 tutoring, or other prescribed activity shares the responsibility for  
38 the supervision of the pupils in the rehabilitative activities with  
39 certificated personnel of the district.



1 (2) A pupil enrolled in a rehabilitative school, class, or program  
2 shall not be credited with more than one day of attendance per  
3 calendar day.

4 (d) (1) For the purposes of computing the average daily  
5 attendance of pupils engaged in the educational activities required  
6 of high school pupils who are also enrolled in a regional  
7 occupational center or regional occupational program, the school  
8 district shall receive proportional average daily attendance credit  
9 for those educational activities that are less than the minimum  
10 schoolday, pursuant to regulations adopted by the State Board of  
11 Education; however, none of that attendance shall be counted for  
12 purposes of computing attendance pursuant to Section 52324.

13 (2) A school district shall not receive proportional average daily  
14 attendance credit pursuant to this subdivision for any pupil in  
15 attendance for less than 145 minutes each day.

16 (3) The divisor for computing proportional average daily  
17 attendance pursuant to this subdivision is 240, except that, in the  
18 case of a pupil excused from physical education classes pursuant  
19 to Section 52316, the divisor is 180.

20 (4) Notwithstanding any other provision of law, travel time of  
21 pupils to attend a regional occupational center or regional  
22 occupational program shall not be used in any manner in the  
23 computation of average daily attendance.

24 (e) (1) In computing the average daily attendance of a school  
25 district, there shall also be included the attendance of pupils  
26 participating in independent study conducted pursuant to Article  
27 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for  
28 five or more consecutive schooldays.

29 (2) A pupil participating in independent study shall not be  
30 credited with more than one day of attendance per calendar day.

31 (f) For purposes of cooperative vocational education programs  
32 and community classrooms described in Section 52372.1,  
33 “immediate supervision” means pupil participation in paid and  
34 unpaid on-the-job experiences, as outlined under a training  
35 agreement and individualized training plans wherein the supervisor  
36 of the training site and certificated school personnel share the  
37 responsibility for the supervision of on-the-job experiences.

38 (g) In computing the average daily attendance of a school  
39 district, there shall be included the attendance of pupils in  
40 *kindergarten readiness classes or kindergarten* ~~after they have~~

1 completed one school year in kindergarten only if the school district  
2 has on file for each of those pupils an agreement made pursuant  
3 to Section 48011, approved in form and content by the State  
4 Department of Education and signed by the pupil's parent or  
5 guardian, that the pupil may continue in kindergarten for not more  
6 than an additional school year.

7 SEC. 6. Section 48000 of the Education Code is amended to  
8 read:

9 48000. (a) ~~A~~Commencing on July 1, 2008, a child shall be  
10 admitted to a kindergarten at the beginning of a school year, or at  
11 any later time in the same year if the child will have his or her fifth  
12 birthday on or before ~~December 2~~ September 1 of that school year.

13 ~~A child who will have his or her fifth birthday on or before~~  
14 ~~December 2 may be admitted to the prekindergarten summer~~  
15 ~~program maintained by the school district for pupils who will be~~  
16 ~~enrolling in kindergarten in September.~~

17 (b) The governing board of any school district maintaining one  
18 or more kindergartens may, on a case-by-case basis, admit to a  
19 kindergarten a child having attained the age of five years at any  
20 time during the school year with the approval of the parent or  
21 guardian, subject to the following conditions:

22 (1) The governing board determines that the admittance is in  
23 the best interests of the child.

24 (2) The parent or guardian is given information regarding the  
25 advantages and disadvantages and any other explanatory  
26 information about the effect of this early admittance.

27 SEC. 7. Article 1.5 (commencing with Section 48005.10) of  
28 Chapter 1 of Part 27 of Division 4 of Title 2 of the Education Code  
29 is repealed.

30 SEC. 8. Article 1.5 (commencing with Section 48005.10) is  
31 added to Chapter 1 of Part 27 of Division 1 of Title 1 of the  
32 Education Code, to read:

33  
34 Article 1.5. Kindergarten Readiness  
35

36 48005.10. (a) There is hereby established the kindergarten  
37 readiness program.

38 (b) The department shall administer the kindergarten readiness  
39 program and shall promulgate rules and regulations governing this  
40 program.

1 (c) The department shall allocate funds to participating county  
2 offices of education and school districts for purposes of making  
3 kindergarten readiness classes available to all children on a  
4 voluntary basis and administering local kindergarten readiness  
5 programs.

6 (d) The department shall be appropriately reimbursed for state  
7 administrative responsibilities from within program funding  
8 sources.

9 48005.15. A participating county office of education and  
10 school district shall do all of the following:

11 (a) Provide public notice of the availability of the program in  
12 their service region.

13 (b) Within available resources, administer the program for  
14 participating children.

15 (c) Provide educational support and assistance to help preschool  
16 teaching personnel to meet program qualifications.

17 (d) Provide affirmative outreach efforts to recruit and retain a  
18 culturally and linguistically diverse workforce.

19 (e) Provide specialized training in appropriate screening, referral,  
20 inclusive practices, linguistic and culturally appropriate teaching  
21 practices, research-based and developmentally appropriate teaching  
22 methods to achieve early learning foundations, and engaging and  
23 effectively communicating with parents and families of children  
24 with exceptional needs and English Learners.

25 (f) Collaborate with the Head Start programs to maximize Head  
26 Start funds.

27 (g) Maintain and provide data to the department for purposes  
28 of program evaluation.

29 48005.20. A local kindergarten readiness program shall do all  
30 of the following:

31 (a) Align early kindergarten with the elementary education  
32 school system by providing all of the following:

33 (1) Connections between standards, assessment, curriculum,  
34 and reporting.

35 (2) Organizational oversight and accountability.

36 (3) Comprehensive, coordinated professional development.

37 (4) Effective outreach and involvement of families.

38 (b) Integrate with public schools serving kindergarten and grades  
39 1 to 12, inclusive, through strategies including all of the following:

(1) Use and implementation of the department's research-based, age and developmentally appropriate early learning foundations for all five early childhood domains that are aligned with elementary education standards.

(2) Use and implementation of early learning foundations, curriculum, and assessment tools that align with the early learning foundations.

(3) Integration with existing academic and fiscal interventions, coaching, and technical assistance.

(4) Being included in the single school plan for pupil achievement.

(c) Link with other providers of service to young children, including providers of health insurance and services (including mental and behavioral health), parent literacy and education, and social services, especially through systems of care provided by First 5 school readiness programs and preschool demonstration projects, healthy start programs, and school health services and clinics.

(d) Maximize connections and integration with full-day, full-year early care and education programs, and be sensitive to the cultural and linguistic needs of families.

(e) Assure the program is developed in conjunction with early care and education workforce development activities. It is the intent of the Legislature that the early kindergarten program is developed in concert with the development of an infrastructure for educating a culturally, ethnically, and linguistically diverse instructional workforce that is adequately compensated to attract highly-qualified teachers.

(f) Maximize the use of existing facilities by permitting the use of facilities that meet licensing standards and that support an inclusive environment for individuals with exceptional needs.

(g) Increase access to health and developmental screenings and assessments for children. The state should phase in access to health and developmental screenings, using valid, reliable, and culturally sensitive instruments, for the purpose of identifying children with physical disabilities, developmental delays, or other particular needs that, if not addressed, can impede child development and school success.

48005.25. Standards and guidelines for all aspects of the kindergarten readiness program shall be based on the desired results

1 for children system, and early learning content and performance  
2 standards and benchmarks required by the department. Standards  
3 and guidelines shall do all of the following:

- 4 (a) Enhance children's overall development.
  - 5 (b) Establish a foundation for developing language, early literacy  
6 and numeracy competencies, as well as competencies in the areas  
7 of social and emotional development, general cognition, physical  
8 and motor development, and approaches to learning.
  - 9 (c) Be developmentally appropriate.
  - 10 (d) Meet federal child nutrition program requirements.
  - 11 (e) Address developmental screening needs for children and  
12 guide appropriate follow through that provides early intervention  
13 for children with identified needs.
  - 14 (f) Encourage local programs to establish program elements  
15 that meet their unique circumstances, including cultural and  
16 linguistic competency, and are inclusive of individuals with  
17 exceptional needs.
  - 18 (g) Establish skills and competencies for each professional role.
  - 19 (h) Build on quality early care and education programs to sustain  
20 the gains that children make in kindergarten readiness.
- 21 48005.30. (a) Kindergarten readiness classes shall be taught  
22 by a teacher who holds a credential issued by the Commission on  
23 Teacher Credentialing that authorizes services in kindergarten,  
24 pursuant to Division 8 (commencing with Section 80000) of Title  
25 5 of the California Code of Regulations, or a baccalaureate degree  
26 with 24 units in early care and education with a professional  
27 development plan that provides for a credential within five years.  
28 A teacher with an associate degree with 24 units in early care and  
29 education shall be employed in each classroom. Class size shall  
30 be limited to 20 children with one teacher and one associate  
31 teacher.
- 32 (b) For the purposes of compensation, including pay and  
33 benefits, kindergarten readiness teachers and associate teacher  
34 shall provide two sessions per day to be considered full-time  
35 employees and shall be employees of the administering county  
36 office of education or school district.
  - 37 (c) The Legislature encourages county offices of education and  
38 school districts to use parents and other volunteers to lower their  
39 adult-child ratios and to expand opportunities for family literacy,  
40 parent involvement, and parent education.

1 (d) A kindergarten readiness program serving individuals with  
2 exceptional needs in an inclusive setting may require additional  
3 adult support, depending on the individualized educational program  
4 of the child.

5 48005.35. To ensure that children participating in a  
6 kindergarten readiness program will play and learn in safe and  
7 clean facilities and environments, a program shall comply with  
8 the following standards:

9 (a) Facilities and playgrounds shall meet the licensing  
10 requirements of Title 5 of the California Code of Regulations,  
11 where applicable, and all other applicable state and federal health  
12 and safety laws or regulations.

13 (b) Facilities and playgrounds shall meet the requirements of  
14 the Americans with Disabilities Act (42 U.S.C. Sec. 12101, et seq.)  
15 and the California Building Standards Code, and address best  
16 practices for accessible facilities.

17 (c) Facilities and playgrounds shall be thoroughly cleaned and  
18 inspected daily to ensure that all health and safety standards are  
19 met.

20 (d) Health policies and practices to ensure prevention of disease  
21 shall be established and followed according to all applicable state  
22 and federal laws and regulations.

23 (e) Emergency disaster plans shall be established and followed.

24 (f) Emergency care plans for accommodating children who  
25 become ill shall be established and followed.

26 (g) All staff and other adults associated with the program shall  
27 meet the criminal clearance procedures required for public school  
28 employees.

29 (h) All staff and other adults shall be trained to provide basic  
30 first aid and CPR.

31 (i) Facilities are designed to maximize learning and facilitate  
32 movement and play.

33 48005.40. (a) A kindergarten readiness program is eligible for  
34 school facilities funding.

35 (b) Funds made available to public schools for joint uses may  
36 be utilized for a kindergarten readiness program.

37 (c) Local providers are encouraged to seek shared use  
38 agreements with a broad array of entities.

39 (d) It is the intent of the Legislature that funding appropriated  
40 in the annual Budget Act for the support of state preschool

1 programs be allowed to fund the early kindergarten program as  
2 quality elements are met.

3 48005.45. (a) The department shall establish and maintain an  
4 evaluation system that ensures the privacy of children and measures  
5 the statewide effectiveness of the program in achieving the desired  
6 outcomes of children, using developmentally, culturally, and  
7 linguistically appropriate and uniform tools statewide. This  
8 evaluation system shall do all of the following:

9 (1) Provide an accurate accounting of the number of children  
10 enrolled each year and an accounting of parental demand for  
11 kindergarten readiness programs.

12 (2) Assess children's progress and program effectiveness by  
13 using the Desired Results for Children and Families system, as  
14 well as fiscal accountability.

15 (3) Use additional measures to determine whether the statewide  
16 program is effective in accomplishing all of the following:

17 (A) Decreasing the number of children retained in the  
18 elementary grades.

19 (B) Decreasing the number of children placed in special  
20 education classes.

21 (C) Improving reading and mathematics scores.

22 (D) Increasing the number of inclusive settings for individuals  
23 with disabilities and special needs.

24 (E) Outreaching to homeless, migrant, foster, and non-English  
25 speaking families, families with special needs children, and other  
26 underrepresented groups.

27 (F) Improving transitions of children and families to  
28 kindergarten and transitions from home and care settings.

29 (4) Be integrated with performance indicators applied to  
30 kindergarten and grades 1 to 3, inclusive.

31 (5) Require programs to report appropriate information to  
32 document children's progress and program effectiveness.

33 (b) Following the fourth and eighth years of implementation of  
34 the program, a report based on a sampling of this information, as  
35 it becomes available, shall be submitted by the department to the  
36 Governor and the Legislature and shall be used, in part, to  
37 determine if additional expansion of the program is beneficial.

38 SEC. 9. Section 48010 of the Education Code is repealed.

39 ~~48010. A child shall be admitted to the first grade of an~~  
40 ~~elementary school during the first month of a school year if the~~

1 child will have his or her sixth birthday on or before December  
2 2nd of that school year. For good cause, the governing board of a  
3 school district may permit a child of proper age to be admitted to  
4 a class after the first school month of the school term.

5 SEC. 10. Section 48200 of the Education Code is amended to  
6 read:

7 48200. (a) Each person between the ages of 5 and 18 years  
8 not exempted under the provisions of this chapter or Chapter 3  
9 (commencing with Section 48400) is subject to compulsory  
10 full-time education. Each person subject to compulsory full-time  
11 education and each person subject to compulsory continuation  
12 education not exempted under the provisions of Chapter 3  
13 (commencing with Section 48400) shall attend the public full-time  
14 day school or continuation school or classes and for the full time  
15 designated as the length of the schoolday by the governing board  
16 of the school district in which the residency of either the parent or  
17 legal guardian is located and each parent, guardian, or other person  
18 having control or charge of the pupil shall send the pupil to the  
19 public full-time day school or continuation school or classes and  
20 for the full time designated as the length of the schoolday by the  
21 governing board of the school district in which the residence of  
22 either the parent or legal guardian is located.

23 (b) Unless otherwise provided for in this code, a pupil shall not  
24 be enrolled for less than the minimum schoolday established by  
25 law. *Kindergarten attendance pursuant to Sections 46111 and*  
26 *46114 shall be deemed full-time education.*

27 SEC. 11. Section 52122 of the Education Code is amended to  
28 read:

29 52122. (a) Except as otherwise provided by Section 52123,  
30 any school district that maintains any *kindergarten readiness class*,  
31 kindergarten, or any of grades 1 to 3, inclusive, may apply to the  
32 Superintendent of Public Instruction for an apportionment to  
33 implement a class size reduction program in that school district in  
34 kindergarten and any of the grades designated in this chapter.

35 (b) An application submitted pursuant to this chapter shall  
36 identify both of the following:

37 (1) Each class that will participate in the Class Size Reduction  
38 Program.



(2) For each class that will participate in the Class Size Reduction Program, whether that class will operate under Option One or Option Two:

(A) (i) Option One: A school district shall provide a reduced class size for all pupils in each classroom for the full regular schoolday in each grade level for which funding is claimed. For the purposes of this chapter, “full regular schoolday” means a substantial majority of the instructional minutes per day, but shall permit limited periods of time during which pupils are brought together for a particular phase of education in groups that are larger than 20 pupils per certificated teacher. It is the intent of the Legislature that those limited periods of time be kept to a minimum and that instruction in reading and mathematics not be delivered during those limited periods of time. For the purposes of this subparagraph, “class” is defined in the same manner as provided in the regulations adopted by the Superintendent of Public Instruction prior to July 1, 1996, pursuant to Sections 41376 and 41378 (subdivision (a) of Section 15103 of Title 5 of the California Code of Regulations).

(ii) The purpose of the Class Size Reduction Program is to ensure that children in public school in kindergarten and grades 1 to 3, inclusive, receive instruction in classrooms where there are not more than 20 pupils. Except as provided in subdivision (h), in order to qualify for funding pursuant to this chapter, each class in the Class Size Reduction Program shall be maintained with an annual average class size of not more than 20 pupils for the instructional time that qualifies the class for funding pursuant to this chapter. ~~Nothing in this chapter shall be construed to~~ *This chapter does not* prohibit the class size from exceeding 20 pupils on any particular day, provided that the average class size for the school year does not exceed 20.

(B) (i) Option Two: A school district shall provide a reduced class size for all pupils in each classroom for at least one-half of the instructional minutes offered per day in each grade level for which funding is claimed. School districts selecting this option shall primarily devote those instructional minutes to the subject areas of reading and mathematics. For the purposes of this subparagraph, “class” is defined in the same manner as provided in the regulations adopted by the Superintendent of Public Instruction prior to July 1, 1996, pursuant to Sections 41376 and

1 41378 (subdivision (a) of Section 15103 of Title 5 of the California  
2 Code of Regulations).

3 (ii) The purpose of the Class Size Reduction Program is to  
4 ensure that children in public school in kindergarten and grades 1  
5 to 3, inclusive, receive instruction in classrooms where there are  
6 not more than 20 pupils. Except as provided in subdivision (h), in  
7 order to qualify for funding pursuant to this chapter, each class in  
8 the Class Size Reduction Program shall be maintained with an  
9 annual average class size of not more than 20 pupils for the  
10 instructional time that qualifies the class for funding pursuant to  
11 this chapter. ~~Nothing in this chapter shall be construed to~~ *This*  
12 *chapter does not* prohibit the class size from exceeding 20 pupils  
13 on any particular day, provided that the average class size for the  
14 school year does not exceed 20.

15 (c) A school district that intends to implement a class size  
16 reduction program for the 1996–97 school year shall submit an  
17 application for funds pursuant to this chapter to the Superintendent  
18 ~~of Public Instruction~~ not later than November 1, 1996. To receive  
19 the total amount of funding in the 1996–97 school year for which  
20 the school district is eligible pursuant to Section 52126, a school  
21 district shall implement the Class Size Reduction Program by  
22 February 16, 1997, within the meaning of paragraph (2) of  
23 subdivision (b).

24 (d) A school district that intends to implement or continue to  
25 implement a class size reduction program for the 1997–98 school  
26 year and any subsequent school year shall submit an application  
27 for funding pursuant to this chapter to the Superintendent ~~of Public~~  
28 ~~Instruction~~ not later than 90 days after the annual Budget Act is  
29 chaptered, unless otherwise specified in regulations adopted by  
30 the State Board ~~of Education~~.

31 (e) For the 1997–98 school year, a school district that is either  
32 implementing or expanding a class size reduction program pursuant  
33 to this chapter may receive funding pursuant to this chapter even  
34 if the new classes for which funding is sought are not implemented  
35 at the beginning of the 1997–98 school year, provided that, for  
36 each new class in the Class Size Reduction Program, all of the  
37 following criteria are met:

38 (1) The teacher for each new class is hired and placed on the  
39 school district's payroll by November 1, 1997.

1 (2) Each teacher for a new class has begun to receive the training  
2 required by this chapter on or before February 16, 1998.

3 (3) All other requirements of this chapter are satisfied by  
4 February 16, 1998, and continue to be satisfied for the remainder  
5 of the 1997–98 school year.

6 (f) For the 1997–98 school year, the number of new classes in  
7 the Class Size Reduction Program is the number of classes  
8 satisfying the requirements of this chapter minus the number of  
9 classes funded in the Class Size Reduction Program pursuant to  
10 this chapter in the 1996–97 school year.

11 (g) Any school district that chooses to reduce class size through  
12 the use of an early-late instructional program is ineligible to also  
13 use Section 46205, relating to the computation of instructional  
14 time for purposes of the Incentive for Longer Instructional Day  
15 and Year, in any grade level for which class size reduction funding  
16 is received pursuant to this chapter; provided, however, that any  
17 school district that operated under Section 46205 prior to July 1,  
18 1996, may receive class size reduction funding pursuant to Option  
19 One in any grade level for which class size reduction funding  
20 would otherwise be received pursuant to Option One.

21 (h) (1) Notwithstanding any other provision of law, a school  
22 district that maintains only one school serving pupils in  
23 kindergarten and grades 1 to 3, inclusive, is eligible to receive  
24 funding under this section on behalf of the school if there are no  
25 more than two classes per participating grade level and the average  
26 class size is no more than 20 pupils in each of the classes  
27 participating in class size reduction at that schoolsite. For purposes  
28 of this subdivision, average class size may be determined by  
29 calculating the total number of pupils enrolled in all classes at all  
30 grade levels in a school that will participate in the Class Size  
31 Reduction Program divided by the total number of classes in the  
32 school. The ratio of pupils to teacher in any class included in the  
33 average shall not exceed the 20 to 1 standard by more than two  
34 pupils.

35 (2) As a condition of applying for funding under this  
36 subdivision, a governing board shall make a public declaration,  
37 either by adopting a resolution or by issuing a statement in a  
38 publicly noticed open meeting, that it has exhausted all possible  
39 alternatives to averaging and is unable to achieve the 20 to 1  
40 pupil-teacher ratio in a way that is educationally acceptable.

1 SEC. 12. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution for certain  
3 costs that may be incurred by a local agency or school district  
4 because, in that regard, this act creates a new crime or infraction,  
5 eliminates a crime or infraction, or changes the penalty for a crime  
6 or infraction, within the meaning of Section 17556 of the  
7 Government Code, or changes the definition of a crime within the  
8 meaning of Section 6 of Article XIII B of the California  
9 Constitution.  
10 However, if the Commission on State Mandates determines that  
11 this act contains other costs mandated by the state, reimbursement  
12 to local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.